

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

February 19, 2009

DIVISION TWO

B203915      Rosenblatt                      (Not for Publication)  
v.  
Davis

The order denying defendants anti-SLAPP motion is affirmed. Plaintiff is awarded his costs on appeal.

Chavez, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

[illegible]

The orders of sentencing are vacated, and the matter is remanded for resentencing in conformity with the views expressed above. In all other respects, the judgment is affirmed. In addition to any amendments required by the trial court's resentencing orders, the clerk of the superior court is ordered to amend the abstract of judgment with respect to the attempted murder in count 2 to show that the term imposed is life with the service of a minimum term of 15 years before parole eligibility.

Chavez, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

## DIVISION THREE

B204659 People (Not for Publication)  
v.  
Jimmy Gutierrez

The judgment is modified by staying execution of sentence on appellant's conviction for assault by means likely to produce great bodily injury (count 2) pending completion of his sentence on his conviction for second degree robbery (count 1), such stay then to become permanent, and by increasing appellant's total precommitment credit award to 523 days, consisting of 455 days pursuant to Penal Code section 2900.5, subdivision (a), and 68 days of conduct credit pursuant to Penal Code sections 2933.1, subdivision (c) and 4019. As so modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B204072      Baker, et al.      (Not for Publication)  
v.  
Wiederschall

The summary judgment is amended to the amount of \$110,931.35, and affirmed as amended. The cause is remanded for further proceedings consistent with the views expressed herein. The parties shall all bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (continued)

B200061      Johnson-McIntyre                      (Not for Publication)  
                         v.  
                         BNC Mortgage, Inc., etc., et al.

The judgment is reversed as to the fourth cause of action for intentional infliction of emotional distress as against Breaux only and the first cause of action for cancellation of instruments as against BNC only. With respect to the remaining causes of action, the judgment is affirmed. The portion of the disposition pertaining to BNC is stayed pending further order of the Bankruptcy Court. The usual time limits apply to the portion of the disposition concerning Breaux. Each party shall bear its own costs of appeal.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                         Kitching, J.

B208562      Thelma Spirtos  
                         v.  
                         Downey Savings and Loan Association et al

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed June 11, 2008) dismissed.

B198129      People  
                         v.  
                         Aurora Gonzalez

Filed order denying petition for rehearing.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B202938 People v. Pree  
B207665 People v. Theus  
B206349 People v. Ward  
B203499 People v. Chairez, et al.  
B209439 DCFS v. M.G.  
B206890 Murray v. Murray

Argument waived, cause submitted.

B206087      Groppe  
                 v.  
                 Spring

Merits:  
Argued by D. Joshua Staub for appellant and by John Derrick for respondent. Cause submitted.

B202174      Ayscough & Marar  
                 v.  
                 Jackson, et al.

Merits:  
Argued by Thomas C. Mundell for appellants and by Michael McCarthy for respondents. Cause submitted.

DIVISION FOUR (continued)

B205393     People  
              v.  
              Barnes

Merits:

Argued by Anthony D. Zinnanti for appellant and by David Glassman, Deputy Attorney General, for respondent. Cause submitted.

B196632     Kaufman  
              v.  
              Kaufman

Merits:

Argued by Ettie Rosenberg appellant in propria persona and by Thomas Paine Dunlap for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B207535 People v. Jimenez

B204195 People v. Perez

B209816 DCFS v. R.B.

B207458 County of Los Angeles v. Lexington National Insurance Company

Argument waived, cause submitted.

DIVISION FOUR (continued)

B204617     People  
              v.  
              Silva

Merits:

Argued by Richard M. Doctoroff for appellant and by Eric J. Kohm, Deputy Attorney General, for respondent. Cause submitted.

B203111     People  
              v.  
              Robert F.

Merits:

Argued by Diane Goldman for appellant and by Eric E. Reynolds, Deputy Attorney General, for respondent. Cause submitted.

B206734     People  
              v.  
              Calderon

Merits:

Argued by Deborah L. Hawkins for appellant and by Eric J. Kohm, Deputy Attorney General, for respondent. Cause submitted.

B205897     Just in Case, Inc.  
              v.  
              Virtual Electronics Manufacturing, Inc., et al.

Merits:

Argued by Thomas H. Edwards for appellants and by Philip W. Bartenetti for respondent. Cause submitted.

## DIVISION FOUR (continued)

B206438      Eight Oxfords Property Management, Inc.  
v.  
Rhee, et al.

Merits:  
Argued by Loyd S. Mann for appellant and by Barak Lurie for respondents.  
Cause submitted.

Court adjourned.

## DIVISION FIVE

B210147      Los Angeles County, D.C. F.S.      (Not for Publication)  
v.  
C.B.  
In re Alexander M., a Person Coming Under the Juvenile Court Law

The order of the juvenile court terminating mother's parental rights to Alexander is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

## DIVISION SIX

B208083      Lopez      (Not for Publication)  
v.  
Lopez

The order denying appellant's petition is reversed, and the matter is remanded to the probate court with directions to conduct an evidentiary hearing. Costs to Appellant.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION SIX (continued)

B195908      McMullen                      (Not for Publication)  
                 v.  
                 Jones

The order is affirmed. Respondent Jones shall recover costs.

Perren, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

B206088      People                                      (Not for Publication)  
                 v.  
                 Garibay

The judgment is affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

B201989      People                                      (Not for Publication)  
                 v.  
                 Farmer, et al.

The judgments are affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.



DIVISION SIX (continued)

B207599      Ventura County Human Services Agency      (Not for Publication)

v.

S. H. and C. H.

In re C. H., A Person Coming Under the Juvenile Court Law

The judgments (orders denying section 388 petitions) are affirmed.

Yegan, Acting P.J.

We concur:    Coffee, J.  
                     Perren, J.

B209459      People      (Not for Publication)

v.

White

The judgment is affirmed.

Gilbert, P.J.

We concur:    Yegan, J.  
                     Perren, J.

B202905      People      (Not for Publication)

v.

Graven

The eight-month term imposed on count 2 is ordered stayed pursuant to section 654. The trial court shall forward a corrected abstract of judgment showing the amended sentence to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                     Yegan, J.

## DIVISION SEVEN

B208614      Aguiar  
v.  
Superior Court, Los Angeles County  
(Cintas Corp., r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B208614      Aguiar  
v.  
Superior Court, Los Angeles County  
(Cintas Corp., r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION EIGHT

B200035 People v. Truong (Not for Publication)

For the reasons set forth above, the abstract of judgment is modified to delete the Health and Safety Code section 11372.5 lab analysis fee. The clerk of the superior court is directed to prepare a corrected abstract of judgment and forward a copy to the Department of Corrections. The judgment as modified is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.  
Bigelow, J.

## DIVISION EIGHT (continued)

B208208 People (Not for Publication)  
v.  
Rogue

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Bigelow, J.  
O'Neill, J. (Assigned)

B208502 People (Not for Publication)  
v.  
Castellanos

The judgment is modified to reflect imposition of a county penalty assessment of \$35 (Gov. Code, 76000), a 20 percent state surcharge of \$10 (Pen. Code, 1465.7), and a state court construction penalty of \$30. The trial court shall prepare a new abstract of judgment that includes these amounts and forward a certified copy to the Department of Corrections. In all other aspects, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.  
Bigelow, J.

B208502      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
J.L.,

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.  
Bigelow, J.